

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

WILLIAM E. DUGAN, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	CIVIL ACTION
	)	
vs.	)	NO. 08 C 2070
	)	
HILDEBRANDT PAVING, LTD.,	)	JUDGE DER-YEGHIAYAN
an Illinois corporation,	)	MAGISTRATE JUDGE SCHENKIER
	)	
Defendant.	)	

**PLAINTIFFS' INITIAL STATUS REPORT**

Plaintiffs, WILLIAM E. DUGAN, *et al.* (hereinafter referred to as "Trustees"), by their attorneys, submit the following Plaintiffs' Initial Status Report in accordance with the Court's standing order and state as follows:

1. The Trustees are trustees of the Midwest Operating Engineers Welfare Fund, Midwest Operating Engineers Pension Trust Fund, Operating Engineers Local 150 Apprenticeship Fund, and Local 150, I.U.O.E Vacation Savings Plan which are various "plans" and "employee welfare plans" (collectively referred to as the "Funds") within the meaning of the Employee Retirement Income Security Act (ERISA) of 1974, as amended. On April 11, 2008, the Trustees filed suit against HILDEBRANDT PAVING, LTD. (hereinafter referred to as "the Company"), pursuant to the ERISA, 29 U.S.C. §§1132, 1145, for delinquent fringe benefit contributions and liquidated damages due under the Company's Collective Bargaining Agreement with Local 150 of the International Union of Operating Engineers, AFL-CIO, and the adopted Agreements and Declarations of Trust that govern the Funds.

2. The Trustees seek to recover all delinquent fringe benefit reports, unpaid fringe benefit contributions, liquidated damages, interest and attorneys' fees due from the Company, pursuant to ERISA, 29 U.S.C. §1132(g).

3. On April 17, 2008, service was effected upon Craig Hildebrandt, an officer of the Company and authorized to accept service of process as such. The Company's Answer to the Complaint was due on May 7, 2008. The Company failed to submit an Answer to the Complaint.

4. The principal legal issues concern the Company's obligations to report and pay fringe benefit contributions into the Funds administered by the Trustees pursuant to the terms of the applicable collective bargaining agreements and trust agreements. The Trustees' position is that the Company is obligated to submit monthly reports and pay contributions into the Funds, as determined by these reports.

5. The principal factual issues are whether the Company breached its obligation to report contributions to the Funds and whether the Company owes unpaid contributions for the period of August 2006 through the present.

6. There are no pending motions before this Court. Since an Answer to the Complaint was not filed May 7, 2008, the Trustees will proceed with a Motion for Entry of Default.

7. No discovery requests have been made by the Trustees.

8. Since the Company is in default, the Trustees do not believe discovery will be necessary. The Trustees anticipate requesting that the Court order the Company to turn over the its delinquent reports when the Trustees file their Motion for Default.

9. Since the Company is in default, the Trustees are unable to propose any dates corresponding to discovery, dispositive motions or the filing of a final pre-trial order.

10. Not applicable.
11. Not applicable
12. There has been no request for a jury trial.
13. Since the Company is in default, the Trustees have not engaged in formal settlement discussions with any representatives of the Company or its legal counsel.
14. Not applicable.

Respectfully submitted,

/s/ Cecilia M. Scanlon  
One of the Attorneys for the Plaintiffs

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**CERTIFICATE OF SERVICE**

The undersigned, an attorney of record, hereby certifies that she electronically filed the foregoing document (Plaintiffs' Initial Status Report) with the Clerk of Court using the CM-ECF system, and further certifies that I have mailed the above-referenced document by United States Mail to the following non-CM/ECF participants on or before the hour of 5:00 p.m. this 8<sup>th</sup> day of May 2008:

Hildebrandt Paving, Ltd.  
c/o Judy Hildebrandt, President  
45W860 Plank Road  
Hampshire, IL 60140

and

Hildebrandt Paving, Ltd.  
c/o Craig Hildebrandt, Secretary  
37-A Ione Drive  
South Elgin, IL 60177

/s/ Cecilia M. Scanlon \_\_\_\_\_

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